

2002 4:33PM

NEEDLE & ROSENBERG

NO. 1563 P. 1

FAX RECEIVED

SEP 04 2002

NEEDLE & ROSENBERG

OFFICIAL GROUP 1600

IMPORTANT FAX DOCUMENT

NEEDLE & ROSENBERG PC  
THE CANDLER BUILDING  
127 PEACHTREE STREET NE  
ATLANTA, GEORGIA 30303-1811  
404-688-0770  
NEEDLEKOSENBERG.COM

DATE September 3, 2002

NAME Examiner M. Belyavskiy

COMPANY Technology Center 1600, U.S. Patent and Trademark Office

FAX NUMBER (703) 308-4315

FROM Teresa R. Spratt for Robert A. Hodges, Ph.D., J.D.

REFERENCE NO. 05010.0087U1

OUR FAX NUMBER 404-688-9880

NUMBER OF PAGES 3

CONFIDENTIALITY NOTE

The information which follows and is transmitted herewith is attorney privileged, trade secret and confidential information intended only for viewing and use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any review, use, communication, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address.

#  
10**ATTORNEY DOCKET NO. 05010.0087U1  
PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                  |   |                                  |
|----------------------------------|---|----------------------------------|
| In re Application of             | ) |                                  |
|                                  | ) |                                  |
| Waller et al.                    | ) |                                  |
|                                  | ) |                                  |
| Application No. 09/945,339       | ) |                                  |
|                                  | ) |                                  |
| Confirmation No. 1418            | ) | Examiner: Belyavskyi, Michael A. |
|                                  | ) |                                  |
| Filed: August 31, 2001           | ) | Art Unit: 1644                   |
|                                  | ) |                                  |
| For: A METHOD OF TRANSPLANTATION | ) |                                  |
| USING CHEMOTHERAPY-TREATED       | ) |                                  |
| ALLOGENEIC CELLS THAT ENHANCE    | ) |                                  |
| IMMUNE RESPONSES WITHOUT         | ) |                                  |
| GRAFT VERSUS HOST DISEASE        | ) |                                  |

**RESPONSE TO RESTRICTION REQUIREMENT**

**VIA FACSIMILE TRANSMISSION 703/308-4315**  
**ATTN: Examiner M. Belyavskyi**  
**Technology Center 1600**  
**Washington, D.C. 20231**

**NEEDLE & ROSENBERG, P.C.**  
**The Candler Building**  
**127 Peachtree Street, N.E.**  
**Atlanta, Georgia 30303-1811**

September 3, 2002

Sir:

Responsive to the Office Action mailed August 5, 2002, please consider the following remarks.

**Remarks****Response to Election of Species**

1. In the Office Action mailed August 5, 2002, requirement for the election of a species was made as set forth in the office action dated April 24, 2002. The Office Action required election of a species from among allogeneic organ and xenogeneic organ. In response, applicants elect

**ATTORNEY DOCKET NO. 05010.0087U1**  
**Application No. 09/945,339**


for examination allogeneic organ, without traverse. Applicants acknowledge that upon allowance of a generic claim, Applicants will be entitled to consideration of additional species that are written in dependent form or otherwise include all limitations of an allowed generic as provided by 37 C.F.R. 1.141.

Favorable consideration of claims 1-6 and 15-20 is earnestly solicited.

It is believed that no fee is due with this Response. However, the Commissioner is hereby authorized to charge any additional amount due or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Robert A. Hodges  
Reg. No. 41,074

NEEDLE & ROSENBERG, P.C.  
The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1811  
(404) 688-0770  
(404) 688-9880 (fax)

**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via Facsimile No. (703) 308-4315 addressed to: Examiner M. Belyavskiy, Technology Center 1600, U.S. Patent and Trademark Office, Washington, D.C. 20231 on the date indicated below.

  
Teresa R. Spratt

  
Date September 3, 2002